Nevada Division of Environmental Protection

FACT SHEET (pursuant to NAC 445A.236)

Permit Name:

National Pollutant Discharge Elimination System Permit (NPDES) for Discharges from Nevada Department of Transportation (NDOT) Municipal Separate Storm Sewer Systems (MS4)

Permit Number: NV0023329

Location:

This permit will immediately effect all or portions of the following areas:

- State of Nevada (excluding tribal lands)

Background:

In 1972, The Federal Water Pollution Control Act [also referred to as the Clean Water Act (CWA)] was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful, unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added section 402(p), which directs that storm water discharges are point source discharges and establishes a framework for regulating municipal and industrial storm water discharges under the NPDES program. On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) promulgated final regulations that establish the storm water permit requirements.

Pursuant to these regulations, storm water permits are required for discharges from a municipal separate storm sewer system (MS4) serving a population of 100,000 or more. USEPA defined MS4 to include road systems owned by states which are in an area with a population greater than 100,000. The regulations also specified a requirement for storm water permits from 11 categories of industry, including construction activities where the construction activity disturbs five acres or more.

On March 10, 2003, Phase II of the Stormwater program took effect. The Storm Water Phase II Rule extends coverage of the NPDES storm water program to certain "small" MS4s but takes a slightly different approach on how the storm water management program is developed and implemented. A small MS4 is any MS4 not already covered by the Phase I program as a medium or large MS4. A small MS4 can be designated by the permitting authority as a *regulated* small MS4 in one of three ways: Automatic Nationwide Designation; Potential Designation by the NPDES Permitting Authority – Required evaluation; or, Potential Designation by the NPDES Permitting Authority – Physically Interconnected. Under the final rule, the NPDES permitting authority is required to designate any small MS4 located outside of a UA that contributes substantially to the pollutant loadings of a *physically interconnected* MS4 regulated by the NPDES storm water program.

In Nevada, large MS4s were issued individual NPDES permits with NDOT currently defined as a co-permittee for both Clark and Washoe counties. Small MS4's are permitted through a "Small MS4 General Permit." Under the Small MS4 permit option NDOT would be required to carry coverage in all regulated Small MS4 areas, in addition to maintaining an individual permit for the Lake Tahoe area. Industrial activities for the NDOT are covered by both Construction and Industrial General Permits.

With the prospect of maintaining 7 separate permits for similar activities, NDOT requested that the Nevada Division of Environmental Protection (NDEP), consider adopting a single NPDES permit for storm water discharges from all NDOT properties, facilities, and activities that would cover both the MS4 requirements

excluding Lake Tahoe permits. The federal regulations allow for the issuance of system-wide MS4 NPDES permits. NDOT submitted an application for a permit with a draft Storm Water Management Plan (SWMP) as part of the original Permit Conditions with both Clark and Washoe Counties. Because NDEP had issued NPDES storm water permits to all of the areas currently requiring a permit, this permit was not considered a new storm water permit, and a Part I and Part II application were not required.

The "Interpretative Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems" issued by USEPA on May 17, 1996 outlines the requirements for permittees seeking a second Municipal NPDES Storm Water Permit. The requirements are: (1) name and address of the applicant; (2) name and title of primary administrative and technical contacts; and (3) proposed changes or improvements to the storm water management program and monitoring activities for the upcoming five-year term of the permit. In addition, USEPA recommends that the applicant provide identification of any previously unidentified water bodies and a summary of any known water quality impacts.

This permit covers all municipal storm water activities on all highways by NDOT in Nevada for areas that require an MS4 permit and areas that do not currently require a permit. This permit does not to cover NDOT construction or Industrial activities that require a permit under the federal regulations.

Aside from general requirements, the re-issuance of this Large MS4 permit addresses several areas including adequate legal authority; source identification; characterization data; public outreach and education; best management practices (BMP); illicit discharge and detection; industrial facility monitoring and control; and a construction site BMP program. This permit also requires that NDOT comply with all applicable Federal, State, or local laws, regulations, or ordinances.

Projected Impact:

At this time, this Permit will impact all areas of Nevada (excluding Tribal lands).

Receiving Water Characteristics:

Variable, depending on location

Permit Requirements:

This permit is in response to requirements of the Federal Clean Water Act (CWA) and implementing federal regulations, to effectively prohibit non-stormwater discharges into the storm sewers, and implement controls to reduce the discharge of pollutants to the maximum extent practicable including management practices, control techniques and system design and engineering methods.

Rationale for Permit Requirements:

The conditions set in permit language are the minimum requirements to maintain and implement an effective stormwater program within the confines of US EPA published rules (Title 40 of the Code of Federal Regulations Part 122) for use in stormwater permits.

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